



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 8 2013

OFFICE OF WATER

Mr. Reed Super
Super Law Group LLC
131 Varick Street, Suite 1033
New York, New York 10013

RE: Freedom of Information Act Request EPA-HQ-2013-007583

Dear Mr. Super:

This letter is the second and final response to your Freedom of Information Act request of June 21, 2013, to the Environmental Protection Agency requesting records pertaining to the Biological Evaluation and the raw data files used to produce the BE that the EPA sent to the National Marine Fisheries Service and the U.S. Fish and Wildlife Service in June, 2013, related to the EPA's 316(b) rulemaking. The EPA sent the BE to you in its interim response on July 17, 2013. This letter and the enclosed DVDs containing the raw data files used to produce the BE constitutes the EPA's final response to your FOIA request.

The EPA's July 17, 2013, interim response to your FOIA request noted that deliberative information contained in the BE had been redacted. You may appeal this response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this

letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the FOI number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Please contact Julie Hewitt at 202-566-1031 or hewitt.julie@epa.gov if you have any additional questions concerning this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. K. Wood", followed by a horizontal line.

Robert K. Wood, Director
Engineering and Analysis Division

Enclosures: Four DVDs containing the 316(b) Biological Evaluation raw data files.